

REMARKS

Claims 1-16 stand rejected under 35 USC § 102 (b) as being anticipated by US 4,436,782 directed to Ho.

Applicants' previous arguments were considered not persuasive because the Examiner deems the limitations, upon which Applicants rely, not to be found in the claims, or such limitations are considered inherent, and it is further unclear to the Examiner how the claims are not anticipated. It is also the Examiner's position that the claims allegedly only express advantages or results. For the reasons which follow, Applicants submit that the claims specifically recite each of the process steps relied upon by Applicants in support of patentability.

At the outset, Applicants note that a reference cannot be deemed to anticipate a claim unless each and every element of that claim is either expressly or inherently disclosed within the four corners of the reference. Thus, if even one element of Applicants' claims are not expressly or inherently disclosed by Ho, the rejection under 35 USC § 102 (b) must be withdrawn.

In the prior response under 37 CFR § 1.111 submitted on July 27, 2005, Applicants relied upon several features of the claims including:

- a solid state polymerization reactor
- a crystallizer
- removing heat from hot pellets from a solid state polymerization reactor
- in transferring heat removed to heat cooled pellets as a feed to the crystallizer.

It is one or more of these features of the claim which Applicants argued in their prior response in support of patentability and which the Examiner now says are not found in the claims. Applicants do not understand the Examiners position because these very same features were lifted almost verbatim from the claims. For clarification, Applicants set forth a chart below corresponding the limitations upon which Applicants rely in their arguments for novelty, and the express claim language set forth in claim 1.

Limitations relied upon	Claim 1 language
A solid state polymerization reactor	"introduced into a solid state polymerization reactor"
A crystallizer	"amorphous are crystallized" "which constitute a feed to a crystallizer"
The removal of heat from hot pellets from the solid state polymerization reactor	"removing heat from hot pellets from the solid state polymerization reactor"
transferring heat removed to heat cooled pellets as the feed to the crystallizer	"transferring heat removed to heat cooled pellets which constitute a feed to a crystallizer"

Thus as can be seen, the limitations argued are found in the claims.

Moreover, the Examiners reliance upon regarding claim elements as advantages or results to justify ignoring those limitations is misplaced. Claim 1 specifically recites positive process steps such as "removing heat", "transferring heat", "heat cooled pellets", "a feed to a crystallizer", "crystallized at elevated temperatures", "introducing into a solid state polymerization". None of these positive process elements are advantages, and none are either disclosed expressly or inherently in Ho.

In fact, nothing in Ho discloses either expressly or inherently the introduction of crystallized pellets into a solid state polymerization reactor as claimed in claim1, the removal of heat from hot pellets in a solid state polymerization reactor, or the transferring heat to the pellets feeding a crystallizer, each is claimed by Applicants. These limitations cannot be ignored. For these reasons, Applicants request withdrawal of the rejection over Ho under 35 USC § 102 (b).

Claim 1 also stand rejected under 35 USC § 102 (b) as being anticipated by US 2004/0113300. For the reasons which follow, Applicants request withdrawal of this rejection.

Applicants note that the Examiner implies that differences do exist between Jurgens, et al., and claim 1, but that "any difference not specifically mentioned appear to be conventional." As a matter of law, a reference cannot anticipate a claimed invention if differences do exist between the claimed invention and that reference. Each and every element of the claimed invention must be expressly or inherently disclosed in the reference to support a rejection under 35 USC § 102 (a) or (b) as anticipating. Labeling a difference as "conventional" does not satisfy the burden of the Office to demonstrate

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that those claimed elements are found expressly or inherently in the cited reference.

On this ground alone, Applicants request withdrawal of the rejection. However, to provide a more comprehensive response, Applicants draw the Examiner's attention to several features of the claimed invention which are novel over Jurgens, et al.

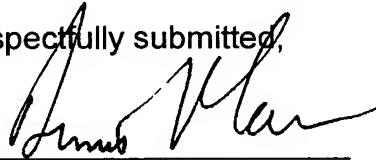
The Examiner has pointed to no teaching in Jurgens et al. describing a solid state polymerization reactor. Moreover, Jurgens et al. does not suggest the introduction of crystallized pellets into a solid state polymerization reactor. To the extent that the Examiner relies upon the crystallizer described in Jurgens et al. as a solid state polymerization reactor (which it is clearly not), PET polymer introduced into the crystallizer of Jurgens et al. is in molten form and there is no suggestion or disclosure for the introduction of either solid pellets into such a reactor, or much less crystallized pellets into the reactor as required by claim 1 of the instant invention. Moreover, there is also no suggestion to remove the heat from the pellets exiting the solid state reactor and transferring that heat to the feed of solid amorphous pellets to the crystallizer.

For these reasons, Applicants request withdrawal of the rejection under 35 USC § 102 (b) over Jurgens et al. 2004/0113300.

The Examiner may contact the undersigned with any questions relating to the further prosecution of this application.

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Respectfully submitted,


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Oct 18, 2005
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

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10/19/2005
Date